

Entered - 1-24-01- sb  
CL 01L0079 - ALEXIS HOLMES

CLAIM OF: **FRANK M. KIBLER**  
2660 Peachtree Road  
Apartment 28 C  
Atlanta, Georgia 30305

01- R -1522

For vehicular damages alleged to have been sustained as a result of his vehicle falling into a collapsed sewer in the road on January 2, 2001 at 11 Peachtree Way.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **FRANK M. KIBLER** the sum of \$730.79 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of his vehicle falling into a collapsed sewer in the road on January 2, 2001 at 11 Peachtree Way as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

*Rob. N. Langford* DCA

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0079

Date: 9/11/01

Claimant /Victim FRANK M. KIBLER

BY: (Atty) \_\_\_\_\_

Address: 2660 Peachtree Road, Apartment 28 C Atlanta, Georgia 30305

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 730.79 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 1/19/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1/2/01 Place: 11 Peachtree Way

Department Public Works Division: Sewer Operations

Employee Involved \_\_\_\_\_ Disciplinary Action \_\_\_\_\_

**NATURE OF CLAIM:** The claimant sustained damages to his vehicle when his vehicle fell into a collapsed sewer in the road. The City had prior notice of this problem and has taken steps to repair the defect.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant X Other \_\_\_\_\_ Written X Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months X Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

Alexis Holmes  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ 730.79 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_

Claims Manager [Signature] Concur/date 09-12-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date:

Holmes  
01/19/01  
1/19/01

Dear Municipal Clerk:

ENTERED - 1-24-01 - SB  
01L0079 - ALEXIS HOLMES

130.79

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 347.87 property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: JAN 2 2001 2. Time of Incident: 5:55p 3. Police called: ✓  
(month/day/year) Yes No

4. Location of incident (including street address): Front of #11 Peachtree Way ON STREET

5. Name of your insurance company: USA A Policy No. 005443692

6. State what and how incident occurred: See ATTACHED

AT 5:55 p. dusk sitting in and no warning sign in street, proceeding EAST only off of Peachtree Rd (Backhead), a open street corner, was hit by left front and rear wheel/tires damaging both wheels and on tire. Called warning (tp) street repair chains to report

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title). noting damage, need repair. A Steel plate (25x8x10) to evidently intruded to cover cave in. had previously been crushed about 4 ft. past CAVE in street area. wheel was estimated about 16" deep. FRANK M. KIBLER

Your vehicle: Mercury 1996 \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \$ \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: R. R. R. has reported problem many times over past 3-4 yrs  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above. 61621

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Frank M. Kibler  
Signature of Claimant

FRANK M. KIBLER  
(Print Claimant's Name)  
and 635 Old Dillard Rd, Dillard Ga.  
2660 Peachtree Rd 28C Atc  
(Address)

Atlanta, GA 30305  
(City, State and Zip Code)

(ATL) 404 233 0267  
(Work Number) (Home Number)

\* I must call the claims office to leave tag #. Since per regulations I left car tag certificate in car's door pocket - Thank you

Claims Detail Attached

January 17, 2001

MEMO FROM FRANK M. KIBLER

2660 Peachtree Rd., 28C, Atlanta, Ga., 30305

TO: Street Repair Department, City of Atlanta, Ga.

Herewith information and facts regarding street cave-in - the Buckhead area, resulting damages to two front left side wheels (necessitating replacement), on the writer's 1996 Mercury Marquis auto; and this claim for damages to the writer's car repairs performed at the Pugmire Lincoln Mercury Agency, on East Cobb Drive. The street cave-in location was in front of #11 Peachtree Ave., Buckhead, about two doors East from Peachtree Rd.

Your attention to this claim, and recovery for damages (noted as a part of the entire invoice attached), will be appreciated.

Frank M. Kibler

01-R-1522